



FEDERAL RESERVE BANK *of* KANSAS CITY

September 23, 2009

Mr. Marion E. McMillan
c/o Ms. Lynn Anne Pierce
Butler, Landrum & Pierce P.C.
720 Kipling Street #201
Lakewood, Colorado 80215

Re: Criminal Conviction – Prohibition from Banking Industry

Dear Mr. McMillan:

The Federal Reserve Bank of Kansas City has become aware that you were convicted upon a plea of guilty of tax evasion for the tax year 2004, in connection with your employment as Chief Executive Officer of The Bank of Durango, Durango, Colorado. A copy of your Plea Agreement is attached. Because you have been convicted of a crime involving dishonesty or breach of trust [or money laundering], you are automatically subject to the prohibitions set forth in Section 19 of the Federal Deposit Insurance Act, as amended ("Section 19") (12 U.S.C. §1829) for banking organizations and in Section 205 of the National Credit Union Act, as amended ("Section 205(d)") (12 U.S.C. §1785(d)) for insured credit unions.

Section 19 and Section 205(d) prohibit you from becoming or continuing as an institution-affiliated party with respect to any of the banking organizations or credit unions described below. This means that you may not, among other things, act as an employee, officer, director, or agent of these banking organizations or credit unions. Nor may you otherwise participate, directly or indirectly, in the conduct of the affairs of any of these organizations. You are also prohibited from directly or indirectly owning or controlling any insured depository institution or holding company. These statutes do not prohibit you from being a normal, arms-length customer of a banking organization or credit union, such as having a loan, checking or savings account.

The prohibitions of Section 19 and Section 205(d) cover all insured depository institutions, including, but not limited to, any bank, savings association or credit union, and their holding companies, as well as Edge corporations and Agreement corporations. The Federal Deposit Insurance Corporation may grant written consent for you to engage in otherwise prohibited conduct with respect to insured depository institutions, and the Federal Reserve may grant written consent with respect to bank holding companies and Edge and Agreement corporations. The Office of Thrift Supervision may grant consent with respect to savings and loan association holding companies. The National Credit Union Administration Board may



Mr. McMillan

- 2 -

September 23, 2009

grant consent for insured credit unions. The automatic prohibition does not cover nonbank subsidiaries of bank holding companies or uninsured branches or agencies of foreign banks, unless the appropriate federal banking agency takes further action against you.

Should you engage in prohibited conduct without obtaining the required consent from the appropriate agency, you could be subject to daily criminal fines of up to \$1,000,000 or up to five years imprisonment.

This letter will be posted on the web site of the Board of Governors of the Federal Reserve System. If you believe that the prohibitions of Section 19 and Section 205(d) do not apply to you, because, for example, your conviction has been reversed on appeal, or for any other reason, please contact Mr. Wendell Thomas, Senior Examiner, in writing at this Reserve Bank.

Sincerely,

Susan E. Zubradt
Vice President

cc: Mr. Stephen H. Meyer
Assistant General Counsel
Legal Division
Board of Governors of the
Federal Reserve System
Mr. Ashley Schrag
Case Manager, Special Activities
Federal Deposit Insurance Corporation
Mr. Fred Joseph
Acting Bank Commissioner
Colorado Division of Banking

Judgment and Disposition Order, dated September 29, 2009, concerning *United States of America v. Marion "ED" McMillan*, Case No. 09-cr-00017-CMA-01, in the United States District Court for the District of Colorado on file.